

REMARKS

Claims 1, 46-54, 56-68, 70 and 71 are pending. By this Amendment, claims 53 and 70 have been amended, claim 69 has been canceled without prejudice to or disclaimer of the subject matter contained therein and claim 71 has been added.

The attached Appendix includes a marked-up copy of the rewritten claim (37 C.F.R. §1.121(c)(1)(ii)).

Applicant is concurrently filing an Information Disclosure Statement with this Amendment. The Examiner is respectfully requested to consider the reference and return an initialed form PTO-1449 indicating consideration of the reference. Should the Examiner be unable to locate the Information Disclosure Statement, the Examiner is requested to contact the undersigned at the telephone number listed below.

Applicant appreciates the allowance of claims 1, 46-52 and 62-68 and the indication of allowability of claims 54, 58-61, 69 and 70. Accordingly, Applicant incorporates the features of claim 69 into 53 and adds claim 71 to recite the features of the original claims 53 and 54. However, Applicant also asserts that claims 56 and 57 are allowable over the applied reference.

Claims 53, 56 and 57 were rejected under 35 U.S.C. §102(b) over Shinada et al. (hereinafter "Shinada"), U.S. Patent No. 5,790,158. The rejection of claim 53 has been rendered moot by the incorporation of claim 69. The rejection of claims 56 and 57 are respectfully traversed.

Shinada fails to disclose an ink cartridge with a first partition wall positioned substantially parallel to the first side wall of the case so as to separate the interior of the cartridge case into a first chamber and a second chamber for respectively accommodating ink and a second partitioning wall positioned substantially parallel to the first side wall of the case for separating the interior of the case into the first chamber and an atmosphere connection path for communicating with an atmosphere outside the case, wherein one end of

the second chamber communicates with one end of the first chamber, one end of the atmosphere connection path communicates with the other end of the first chamber and the other end of the atmosphere connection path is open to the outside of the case, as recited in claim 56.

Shinada discloses an ink jet recording apparatus with a main container 501 which is divided into three compartments 504, 505 and 506 such that the inks of three colors can be contained within a single cartridge (col. 13, lines 14-18, 35 and 36, and Figs. 15a to 16). As shown in Fig. 16, each of the three compartments 504, 505 and 506 is divided by a center partitioning wall 510 (col. 13, lines 18-24).

Applicant asserts that Shinada fails to disclose Applicant's claimed invention because Shinada's compartments 504, 505 and 506 do not communicate with each other. Also, each compartment 504, 505 and 506 only includes two sub-compartments (see Fig. 16) which are in communication via a communication hole 519. It is neither taught nor disclosed in Shinada to place the compartments 504, 505 and 506 in communication with each other. Also, there is no logical reason or suggestion in Shinada to place the compartments 504, 505 and 506 in communication with each other because each compartment 504, 505 and 506 contains a different color of ink (col. 13, lines 35 and 36) and outputs ink through a respective ink supply port 513 (col. 13, lines 47-50).

As such, it is neither taught nor disclosed in Shinada to provide a second chamber which communicates with a first chamber and an atmosphere connection path which communicates with the first chamber as recited in claim 56. Furthermore, it is neither taught nor disclosed in Shinada to communicate one end of the second chamber with one end of the first chamber and communicate one end of the atmosphere connection path with the other end (i.e., a second end) of the first chamber as recited in claim 56.

As discussed on pages 3 and 4 of the Office Action, the Examiner asserts that the first partitioning wall (510 of 504) separates the interior of the cases into a first chamber (511 of

504) and a second chamber (512 of 504) and that the second partitioning wall (510 of 505) separates the interior case into a first chamber (512 of 505) and an atmospheric connection path (511 of 505). However, Applicant notes that the Examiner has equated two separate chambers (511 of 504) and (512 of 505) to correspond to Applicants first chamber.

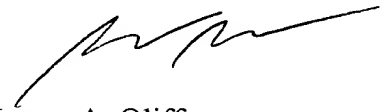
Furthermore, the two separate chambers are not in communication with each other. As such, Applicant further asserts that Shinada fails to disclose Applicant's first partitioning wall which separates the interior of the cartridge case into a first chamber and a second chamber and second partitioning wall which separates the interior of the case into the first chamber and an atmosphere connection path as recited in claim 56.

In view of the foregoing, Applicant asserts that Shinada fails to disclose all the features recited in Applicant's claim 56. In addition, claim 57 recites additional features of the invention and is also believed to be allowable at least for the reasons discussed above with respect to claim 56 and for the additional features cited therein. It is respectfully requested the rejection be withdrawn.

In view of the foregoing amendments and remarks, Applicant submits that this application is in condition for allowance. Favorable reconsideration and prompt allowance of the claims are earnestly solicited.

Should the Examiner believe that anything further would be desirable in order to place this application in better condition for allowance, the Examiner is invited to contact Applicant's undersigned representative at the telephone number set forth below.

Respectfully submitted,



James A. Oliff
Registration No. 27,075

Scott M. Schulte
Registration No. 44,325

JAO:SMS/tea

Attachments:
Appendix
Information Disclosure Statement

Date: February 21, 2003

OLIFF & BERRIDGE, PLC
P.O. Box 19928
Alexandria, Virginia 22320
Telephone: (703) 836-6400

<p>DEPOSIT ACCOUNT USE AUTHORIZATION Please grant any extension necessary for entry; Charge any fee due to our Deposit Account No. 15-0461</p>
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APPENDIX

Changes to Claims:

Claim 69 is canceled.

Claim 71 is added.

The following is a marked-up version of the amended claims:

53. (Twice Amended) An ink cartridge for holding ink supplied to a recording head, comprising:

 a case having a first surface on the outside of the case and a second surface on the outside of the case in opposition, the first and second surfaces are open;

 a partitioning wall for separating the interior of the case into an ink chamber for holding ink and an atmosphere connection path communicating to the outside of the case, wherein the ink chamber is open on the first surface and the second surface sides; ~~and~~

 a first cover for covering the first surface of the case so that a path is formed for communicating between the ink chamber and the atmosphere connection path

a second cover for covering the second surface of the case; and

an ink supply hole joined to the recording head, formed in the second cover so as to communicate with the ink chamber.

70. (Amended) The ink cartridge according to claim ~~69~~53, wherein the first chamber communicates with the atmosphere connection path near the first surface, and communicates with the second chamber near the second surface, and the second chamber communicates with the ink supply hole.